

§157.49 EMS Operator/Instructor Training/Certification

GETAC DRAFT 2 – 02/11/2005

§157.49. Emergency Medical Services Operator and Operator Instructor Training and Certification (may be known as Emergency Medical Dispatcher).

(a) Purpose. The purpose of this section is to establish standards and requirements related to protocols for delivery of emergency medical information to members of the public during medical emergencies; certification of emergency medical services (EMS) information operators; approval of training programs for EMS information operators; certification of EMS information operator instructors; and approval of EMS information operator instructor training programs.

(b) Provision of medical information.

(1) An EMS information operator may provide medical information to a member of the public during an emergency call if the information operator has successfully completed an EMS information operator training program approved by the ~~[Texas Department of Health (department)]~~ Department and holds a certificate issued under the provisions of this section or holds equivalent credentials recognized by the department; and

(2) An EMS information operator may provide medical information to a member of the public during an emergency call if the information provided conforms to the protocol and medical direction for delivery of the information ~~[adopted by the Texas Board of Health (board)]~~ under the provisions of subsection (c) of this section.

(c) Protocols for delivery of medical information.

(1) ~~[The department shall approve the use of]~~ Protocols for delivery of medical information ~~to a member of the public by EMS information operators during an emergency call if it determines that the protocols are~~ must be substantially equivalent to the Emergency Medical Dispatch (EMD) Protocol Reference System (PRS) as referenced by the National Highway Traffic Safety Administration in the EMD National Standard Curriculum and are approved by a physician who is providing medical direction for the delivery of the medical information.

(2) Delivery of medical information to a member of the public by EMS information operators during an emergency call shall be conducted under the medical direction of a physician who shall have reviewed and approved:

(A) the protocol to be used; and

(B) a system for assuring the quality of the information and the process followed in providing the information.

(d) EMS information operator certification.

(1) To become certified as an EMS information operator, a candidate must meet the following criteria:

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(A) be at least 18 years of age;

(B) hold current evidence of completion of a nationally recognized basic CPR course approved by the department which includes written and skills proficiency examinations;

(C) have completed, within one year prior to application, a department-approved EMS information operator training program as defined in subsection (g) ~~[(1) and (2)]~~ of this section; and

(D) pass an EMS information operator written examination and skills proficiency evaluation which have been approved by the department.

(2) A candidate who does not pass the written EMS information operator examination may retest one time within 90 days of attempting the initial examination.

(3) A candidate who does not pass the written EMS information operator reexamination shall be required to complete another department-approved EMS information operator training program as defined in subsection (g) ~~[(1) and (2)]~~ of this section.

(4) Certification as an EMS Information Operator shall be valid for a period of four years commencing on the date the certificate is issued.

(e) Recognition by equivalent credentials. Upon written request to the department ~~[bureau-chief]~~ and submission of its program's curriculum, the department may approve credentials issued by an emergency medical dispatch certification agency, organization, or by another state as being equivalent to EMS information operator certification.

(f) Recertification. If an EMS information operator has not received notice of expiration of the certification it is the individual's responsibility to locate an EMS information operator instructor for recertification.

(1) To be eligible for recertification as an EMS information operator the individual shall:

(A) maintain current CPR certification; and

(B) complete 12 hours of continuing education in any of the following areas or activities:

(i) protocol review;

(ii) planning and management;

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(iii) quality assurance; and

(iv) non-traditional educational programs.

(2) An EMS information operator meeting the requirements in paragraphs (A) and (B) of this subsection shall be issued a certificate valid for four years commencing on the date of issuance.

(g) EMS information operator training programs.

(1) EMS information operator training programs shall be conducted by a certified EMS information operator instructor who has met the requirements established in subsection (h)(1) of this section.

(2) The standards for EMS information operator training and operations shall be in accordance with the EMD National Standard Curriculum of the National Highway Traffic Safety Administration.

(3) The course shall consist of not less than 24 hours of classroom instruction in, but not limited to, the following content areas:

(A) roles and responsibilities;

(B) legal and liability issues;

(C) EMD concepts;

(D) obtaining information from callers;

(E) resource allocation;

(F) providing emergency care instruction;

(G) introduction to the EMD PRS;

(H) introduction to chief complaint types; and

(I) EMS system overview.

(h) Course approval.

(1) Prior to starting a course, an EMS information operator instructor shall:

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- 135 (A) submit a completed and signed course approval application;
136
137 (B) submit a non-refundable course approval fee of \$60, except a fee shall
138 not be required if the EMS information operator instructor is not to be compensated for
139 providing EMS information operator training;
140
141 (C) submit a course outline listing content by contact hours and instructor
142 names; and
143
144 (D) submit a copy of the PRS protocols to be used.
145
146 (2) If the course approval application meets the criteria established in this section,
147 the EMS information operator instructor shall receive a letter of approval from the department
148 with an assigned course number.
149
150 (3) Representatives of the department may monitor courses at any time for
151 compliance and quality with on-site observation and other methods as deemed necessary.
152
153 (i) Denial of course application.
154
155 (1) Reasons for denial of course approval include, but are not limited to, the
156 following:
157
158 (A) failure of an EMS information operator instructor to hold current
159 certification in accordance with subsection (j)(1) of this section;
160
161 (B) issuing a check which is returned unpaid;
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163 (C) submission of an incomplete course approval application;
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165 (D) failure to meet minimum course content requirements;
166
167 (E) starting or advertising a course without prior approval from the
168 department; and
169
170 (F) failing to maintain affiliation with a sponsoring agency as defined in
171 subsection (j)(1)(D) of this section.
172
173 (2) If a course approval application is denied, the EMS information operator
174 instructor shall receive a letter from the department detailing the specific reasons for the denial.
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176 (j) EMS information operator instructor certification.
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- 178 (1) To become certified as an EMS information operator instructor, a person
179 must:
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181 (A) be at least 18 years of age;
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183 (B) hold a high school diploma or GED certificate;
184
185 (C) hold certification as an EMS information operator;
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187 (D) have a written agreement or verified affiliation with an EMS provider,
188 a licensed health care facility, an institution of post secondary education, a law enforcement
189 agency, a fire department, a public emergency dispatch agency, or other public safety agency;
190
191 (E) have completed, within one year prior to application, a department-
192 approved EMS information operator instructor training program or hold EMS Instructor
193 certification;
194
195 (F) submit an application to the department with a nonrefundable fee of
196 \$60, except a fee shall not be required if the candidate is not to be compensated for providing
197 EMS information operator training; and
198
199 (G) pass an EMS information operator instructor written examination
200 administered or approved by the department.
201
202 (2) After verification by the department of the information submitted by the
203 candidate, the candidate who meets the requirements in subsection (j)(1) of this section shall be
204 certified for a period of two years commencing on the date of issuance of the certificate.
205
206 (3) Persons holding EMS information operator instructor certification from any
207 department-approved training program prior to the effective date of this rule are considered to
208 have met the requirements as set forth in this section and may apply for certification by
209 submitting to the department:
210
211 (A) a written application with a nonrefundable fee of \$60, except a fee
212 shall not be required if the candidate is not to be compensated for providing EMS information
213 operator training; and
214
215 (B) documentation of current EMS information operator instructor
216 certification.
217
218 (4) Retesting.
219
220 (A) A certificant who does not pass the department's written examination
221 may retest after:

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(i) submitting an application to retest: and

(ii) paying a nonrefundable fee of \$30, if applicable.

(B) A certificant who does not pass a retest shall meet the requirements in subsection (j) ~~[(k)]~~(1) of this section.

(k) EMS information operator instructor recertification.

(1) Prior to the expiration of an EMS information operator instructor certification, the department shall send a notice of expiration to the certificant at the address shown in the current records of the department. It is the responsibility of EMS information operator instructor to notify the department of any change of address.

(2) If an EMS information operator instructor has not received notice of expiration from the department 45 days prior to the expiration, it is the duty of the EMS information operator instructor to notify the department and request an application for recertification. Failure to apply for recertification shall result in expiration of the certificate.

(3) To be eligible for recertification, the EMS information operator instructor shall:

(A) hold current EMS information operator certification; and ~~maintain current active certification or licensure as an EMT or above;~~

~~[(B) maintain current active EMS Instructor certification;~~

~~[(C) maintain an agreement or affiliation with sponsoring agency or organization as defined in subsection (j)(1)(D) of this section;]~~

(B) ~~[(D)]~~ submit an application for recertification with a nonrefundable fee of \$60, except a fee shall not be required if the candidate is not to be compensated for providing EMS information operator instructor training. ~~[- and]~~

~~[(E) instruct at least one EMS information operator training program each year.]~~

(4) After verification by the department of the information submitted, the EMS information operator instructor who meets the requirements of paragraph (3) of this subsection shall be recertified for two years beginning on the date following the expiration of the last certificate.

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~~[(5) An EMS information operator instructor who has not met all requirements for recertification prior to the end of the certification period is not certified and shall not perform the duties of an EMS information operator instructor.]~~

(5) ~~[(6)]~~ An EMS information operator instructor whose certification has been expired for 90 days or less may renew the certificate by meeting the provisions in paragraph (3)(A)-(B) ~~[(C)]~~ of this subsection and submitting an application and a renewal fee that is equal to 1-1/2 times the normally required application renewal fee.

(6) ~~[(7)]~~ An EMS information operator instructor whose certification has been expired for more than 90 days but less than one year may renew the certificate by meeting the provisions in paragraph (3)(A)-(B) ~~[(C)]~~ of this subsection and submitting an application and a renewal fee that is equal to two times the normally required application renewal fee.

(7) ~~[(8)]~~ An EMS information operator instructor whose certification has been expired for one year or more shall complete the requirements in subsection (j)(1) of this section.

(l) EMS information operator instructor training.

(1) All EMS information operator instructor training courses shall be conducted by a regionally accredited post-secondary educational institution which is approved as an EMS education program or other nationally recognized entity approved by the department.

(2) EMS information operator instructor training courses shall follow a department-approved curriculum.

(m) Responsibilities of an EMS information operator instructor. The responsibilities of an EMS information operator instructor shall be to:

(1) process student applications and select students;

(2) schedule courses and assign instructors;

(3) verify the certification, license, or other proper credentials of all personnel who instruct in the program's courses;

(4) meet at least the minimum requirements for course curriculum established by the department for EMS information operator initial and refresher training;

(5) maintain in conjunction with the sponsoring agency or organization, all EMS information operator training course records for a minimum of 5 years;

(6) attest to the successful course completion of all students who meet the program's requirements for completion;

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(7) provide candidates who have satisfied the requirements in subsection (d)(1) of this section with documentation on a form approved by the department, of certification that meets the requirements established by the department. Documentation shall include the candidate's name, a unique identification number, date of successful completion of the EMS information operator training and the training program's approval number;

(8) maintain in conjunction with the sponsoring agency or organization, a list of the names, addresses, social security numbers and the date the training was completed of each individual who successfully completes EMS information operator training for a minimum of five years;

(9) verify EMS information operator certification upon request of a certificant, a licensed EMS provider, a public safety agency, the department, or another individual or entity authorized by law;

(10) provide the department with information and reports necessary for planning, administrative, regulatory, or investigative purposes; and

(11) provide certified EMS information operators who have met the requirements in subsection (f) of this section, relating to recertification, with documentation on a form approved by the department renewing the certification.

(n) Disciplinary Action. ~~[An EMS information operator instructor shall be subject to the same disciplinary actions set forth in §157.44 of this title (relating to Emergency Medical Service Instructor Certification).]~~

(1) Emergency suspension. The department may issue an emergency order to suspend an EMS information operator instructor if the department has reasonable cause to believe continued activity of the individual constitutes a threat to the public health or safety.

(A) An emergency suspension shall be effective immediately without a hearing on or written notice to the certificate holder. Notice to the certificant shall be established on the date that a copy of the signed emergency suspension order is sent to the address shown in the current records of the department, or by return receipt. Notice shall also be sent to any sponsoring entity.

(B) If a written request for a hearing is received from the certificate holder within 15 days of the date of notice, the department shall conduct a hearing not later than the 30th day after the date on which a hearing request is received to determine if the emergency suspension is to be continued, modified, or rescinded. The hearing and appeal from a disciplinary action related to the hearing shall be in accordance with the Administrative Procedure Act, Government Code, Chapter 2001.

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(2) Suspension or revocation. An EMS information operator instructor certification may be suspended or revoked for, but not limited to, the following reasons:

(A) failing to maintain EMS information operator certification at the appropriate level;

(B) failing to comply with the responsibilities of an EMS information operator instructor as in subsection (m) of this section;

(C) falsifying a department application;

(D) failing to maintain a substantial amount of skill, knowledge and/or academic acuity to timely and/or accurately carry out the duties of an EMS information operator instructor;

(E) falsifying any document that records or verifies course activity and/or is a part of the course record;

(F) assisting another to obtain or to attempt to obtain certification or recertification by fraud, forgery, deception or misrepresentation;

(G) failing to complete and submit student documents within the established time frames;

(H) compromising or failing to maintain the order, discipline and/or fairness of a department-approved course or program;

(I) delivering or allowing inadequate class presentations;

(J) compromising an examination or examination process administered or approved by the department;

(K) cheating or assisting another in cheating on an examination, other evaluation or any other activity offered or conducted by the department, or a training program approved by the department;

(L) accepting any benefit to which there is no entitlement or benefits in any manner through fraud, deception, falsification, misrepresentation, theft, misappropriation or coercion;

(M) failing to maintain or adhere to appropriate policies, procedures and/or safeguards to ensure the safety of students, fellow instructors or other class participants;

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(N) using and/or allowing the use of inadequate, inoperable, or malfunctioning equipment;

(O) issuing a check to the department which is returned unpaid;

(P) failing to maintain education course records;

(Q) demonstrating an unwillingness or inability to comply with the Health and Safety Code and rules adopted thereunder;

(R) failing to give the department true and complete information when asked regarding any alleged or actual violation of the Health and Safety Code, or the rules adopted thereunder, or failing to report a violation;

(S) committing any violation during a probationary period;

(T) functioning or attempting to function as an EMS information operator instructor during a period of suspension shall be cause for revocation of the EMS information operator instructor certification;

(U) failing to adhere to the curriculum standards as referenced in 157.49 of this title;

(V) conviction of a crime which directly relates to the profession of EMS information operators or EMS information operator instructors as described in 157.49 of this title;

(W) making a plea of no contest or agreeing to a deferred adjudication or deferred prosecution to resolve any criminal charge against the applicant which such criminal charge relates or could relate to the candidate's ability to carry out the duties and/or responsibilities of the EMS information operator instructor; or

(X) having exhibited or currently exhibiting conduct or a pattern of behavior that may indicate a mental or emotional instability that diminishes or affects the ability to carry out the duties and/or responsibilities of an EMS information operator instructor;

(o) Criteria for Denial of Application for Certification or Renewal of Certification – An application may be denied for, but not limited to, the following reasons:

(1) failing to meet standards as required in this section;

(2) previous conduct on the part of the applicant during the performance of duties relating to the responsibilities of EMS information operator or an EMS information operator

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instructor that is contrary to accepted standards of conduct as described in Chapter 157 of this title;

(3) conviction of a crime which directly relates to the profession of EMS information operators or EMS information operator instructors as described in §157.49 of this title;

(4) receiving a deferred adjudication in a criminal action which relates or could relate to the candidate's ability to carry out duties and/or the responsibilities of an EMS information operator instructor;

(5) disciplinary action relating to a certificate or license issued in another state;

(6) falsifying any Texas application for certification or licensure or falsifying any application or documentation used to acquire registration, certification or licensure;

(7) issuing a check for any reason to the department which has been returned to the department or its agent for any reason;

(8) misrepresenting any requirements for certification or licensure;

(9) making a plea of no contest or agreeing to a deferred adjudication or deferred prosecution to resolve any criminal charge against the applicant which such criminal charge relates or could relate to the candidate's ability to carry out the out duties and/or the responsibilities of an EMS information operator instructor;

(10) failing to maintain a substantial amount of skill, knowledge and/or academic acuity to timely and/or accurately carry out the duties of an EMS information operator instructor;

(11) having exhibited or currently exhibiting conduct or a pattern of behavior that may indicate a mental or emotional instability that diminishes or affects the ability to carry out the duties of an EMS instructor.

(p) Notification. If the department proposes to deny, suspend, or revoke an EMS information operator instructor certificate, the certificant or applicant shall be notified at the address shown in the current records of the department. The notice must state the alleged facts or conduct warranting the action and state that the certificant or applicant has an opportunity to request a hearing in accordance with the Administrative Procedure Act, Government Code, Chapter 2001.

(1) The certificant or applicant may request a hearing within 15 days after the date of the notice. This request shall be in writing and submitted to the department.

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(2) If the certificant or applicant does not request a hearing within 15 days, after being sent the notice of opportunity, the certificant or applicant waives the opportunity for a hearing and the department shall implement its proposal.

(q) Probation. The department may probate any penalty assessed under this section and may specify terms and conditions of any probation issued.

(r) Reapplication.

(1) Two years after the revocation or denial of an EMS information operator instructor certification, an individual may petition the department, in writing, for the opportunity to reapply for certification.

(2) The department shall evaluate the petition and may allow or deny the opportunity to submit an application for recertification.

(3) In evaluating a petition for permission to reapply for certification the department shall consider, but is not limited to, the following issues:

(A) the likelihood of a repeat of the actions or inactions that led to revocation;

(B) the petitioners overall record as an instructor;

(C) letters of support or recommendation;

(D) letters in protest or nonsupport of the petition; and

(E) the need for the services of an instructor in a given area.

(4) The petitioner shall be notified of the department's decision to allow or deny the submission of reapplication within 60 days of the request.

(5) An EMS information operator instructor whose certificate expires during a suspension or revocation period may not petition to reapply for certification until the end of the suspension or revocation period.

(s) ~~[(s)]~~ For all applications and renewal applications, the department ~~[(or the board)]~~ is authorized to collect subscription and convenience fees, in amounts determined by the Texas Online Authority, to recover costs associated with application and renewal application processing through Texas Online.